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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,425	03/26/2004	Magdalena Anna Bynum	10040410-1	9798

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AGILENT TECHNOLOGIES, INC.
Legal Department, DL429
Intellectual Property Administration
P.O. Box 7599
Loveland, CO 80537-0599

EXAMINER

RAMDHANIE, BOBBY

ART UNIT	PAPER NUMBER
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1797

MAIL DATE	DELIVERY MODE
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07/21/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/810,425	Applicant(s) BYNUM ET AL.	
	Examiner BOBBY RAMDHANIE	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Response to Amendment

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Adey (US2002/0192701).
3. Regarding Claim 1, Adey discloses the apparatus for separating an array slide from a gasket slide, comprising: A). A first substrate for contacting and attaching to the array slide (See Figure 2 Item 1); B). A second substrate for contacting and attaching to the gasket slide (See Figure 2 Item 3); and C). Means for separating the first substrate from said second substrate (See Figure 2 Item 27 – removal tab, i.e. – lever).
4. Alternatively, Claim 1 may be anticipated in the following way:
5. Claims 1-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Adey (US2002/0192701).

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6. Regarding Claim 1, Adey discloses the apparatus for separating an array slide from a gasket slide, comprising: A). A first substrate for contacting and attaching to the array slide (See Figure 14 Item 62); B). A second substrate for contacting and attaching to the gasket slide (See Figure 14 Item 60); and C). Means for separating the first substrate from said second substrate (See Figure 14 Item 27 on Item 1 OR Item 24, which may be used with negative pressure, i.e. – a vacuum).

Additional Disclosures Included: Claim 2: An apparatus as recited in Claim 1, further comprising a vacuum source operative to attach the first substrate to the array slide (See [0055]; a vacuum source listed in [0048]) is used to compress the gasket to form a tight seal); Claim 3: An apparatus as recited in Claim 1, wherein the first substrate is adhered to the array slide (See [0051-0052] note – adhesive layers may be used); Claim 4: An apparatus as recited in Claim 1, wherein the first substrate is bonded to the array slide (See [0051 & 0052], adhesion is a type of bonding); Claim 5: An apparatus as recited in Claim 1, further comprising a vacuum source operative to attach the second substrate to the gasket (See [0037]); Claim 6: An apparatus as recited in Claim 1, wherein the second substrate is adhered to the gasket slide (See [0037]); Claim 7: An apparatus as recited in claim 1, wherein the second substrate is bonded to the gasket slide (See[0032] in view of [0051-52]); Claim 8: An apparatus as recited in claim 1, wherein the first substrate is selected from the group consisting of glass, plastic, polymers, thermoplastic materials, metal, wood and composite materials See [0054]); Claim 9: An apparatus as recited in claim 1, wherein the

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second substrate is selected from the group consisting of glass, plastic, polymers, thermoplastic materials, metal, wood and composite materials (See [0054]); Claim 10: An apparatus as recited in claim 1, wherein the means for separating the first substrate from the second substrate is selected from the group consisting of a vise, a clamp, a fastener, a machine, a hand, a wedge, and a lever (See [0032]); Claim 11: An apparatus for separating an array slide from a gasket slide, comprising: A). A first substrate for contacting the array slide (See Figure 14 Item 62); B). A second substrate opposite the first substrate for contacting the gasket slide (See Figure 14 Item 24); C). A first vacuum source associated with the first substrate for providing a first vacuum to the first substrate for attaching the first substrate to the array slide (See Figure 14 Item 62; and D). A second vacuum source associated with the second substrate for providing a second vacuum to the second substrate for attaching the gasket slide to the second substrate (See Figure 14 Item 24 or [0058]); Claim 12: An apparatus for separating an array slide from a gasket slide, comprising: A). A first substrate for contacting the array slide (See Figure 14 Item 62); B). A second substrate opposite the first substrate for contacting the gasket slide (See Figure 14 Item 24); C). A vacuum source associated with the first substrate and second substrate for providing a first vacuum to the first substrate for attaching the first substrate to the array slide and a second vacuum to the second substrate for attaching the gasket slide to the second substrate, wherein the first substrate can be separated from the second substrate and wherein the array slide is also separated from the gasket slide (See [0036-37 & 0058]). Various pumps vacuum

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sources may be used with the apparatus which inherently “attaches” the components of the device intact. Claim 13: An apparatus for separating an array slide from a gasket slide, comprising: A). A first substrate for contacting the array slide, the first substrate comprising a first means for attaching to the array slide (See Figure 14 Item 62); B). A second substrate for contacting and attaching to the gasket slide: the second substrate comprising a second means for attaching the second substrate to the gasket slide (See Figure 14 Item 24); and C), Means for separating said first substrate from said second substrate and concomitantly separating the array slide from the gasket slide (See Figure 14 Item 24). Claim 14: An apparatus as recited in claim 13, further comprising a gasket comprising a deformable material (See [0054]; note “deformable material”); Claim 15: An array hybridization apparatus as recited in claim 13, further comprising a spacer comprising a substantially non-deformable material (See [0054]); Claim 16: A hybridization apparatus as recited in claim 13, further comprising a gasket attached to the gasket slide (See Figure 2 Item 5); Claim 17: An array hybridization apparatus as recited in claim 13, further comprising a gasket attached to the array slide (See Figure 2 Item 5); Claim 18: A hybridization apparatus as recited in claim 13, further comprising a gasket comprising a portion of the gasket slide (See Figure 2 Item 5 and [0054]); Claim 19: An array apparatus as recited in claim 13, further comprising a gasket attached to both the gasket slide and the array slide (See Figure 2 Item 5); Claim 20: An hybridization apparatus as recited in claim 13, further comprising a spacer is attached to the gasket slide (See Figure 2 components of Item 1); Claim 21: An apparatus as

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recited in claim 13, further comprising a spacer is attached to the array slide (See Figure 2 components of Item 1 are spacers that are attached to the array slide);

Claim 22: An array apparatus as recited in claim 13, further comprising a spacer attached to both the gasket slide and the array slide (See Figure 2 components of Item 1); Claim 23: A hybridization apparatus as recited in claim 13, further comprising a spacer comprising a material selected from the group consisting of polyurethanes, polypropylene, plastics, acrylics, metals and non- deformable or less deformable polymers (See [0054]); Claim 24: An apparatus as recited in claim 13, further comprising a spacer having a height between 25 microns and 25000 microns (See {0054}); Claim 25: An apparatus as recited in claim 11, further comprising an array hybridization chamber having a height is between 25 microns and 25,000 microns (See 0054)]; Claim 26: A method of disassembling an array hybridization apparatus having a gasket slide contacting an array slide, the method comprising: A). Contacting a first substrate with a vacuum to the array slide (See Figure 14 Item 62 & [0045]; B). Contacting a second substrate with a vacuum to a gasket slide (See Figure 14 Item 24 & 60); and C). Separating the first substrate from the second substrate while also separating the gasket slide from the array slide (See [0054]); Claim 27: A method of disassembling an array hybridization apparatus having a gasket slide attached to an array slide, the method comprising: A). Contacting a first substrate to an array slide attached to a gasket slide (See Figure 14 Item 62); B). Contacting a second substrate to the gasket slide (See Figure 14 Item 60); and C). Separating the first

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substrate from the second substrate while also separating the gasket slide from the array slide (See [0054]).

Telephonic Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BOBBY RAMDHANIE whose telephone number is (571)270-3240. The examiner can normally be reached on Mon-Fri 8-5 (Alt Fri off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Bobby Ramdhanie, Ph.D./

Examiner, Art Unit 1797

/B. R./

/Walter D. Griffin/

Supervisory Patent Examiner, Art Unit 1797